

REMARKS

Claims 18 to 37 are pending in the present application after addition of claims 36 and 37. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

Claims 18 to 26 and 28 to 30 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2002/0194170 ("Israni").

Claim 18 relates to a method of transmitting digitally coded traffic information, in which the digitally coded traffic information is transmitted according to predetermined regulations between a transmitter and at least one receiver via at least one of a unidirectional information channel and a bidirectional information channel. Claim 18 recites that a subset of the predetermined regulations is defined, and the digitally coded traffic information is always at least one of coded, transmitted, and decoded according to the subset.

In this regard, the Substitute Specification of the present application (e.g., on page 1 and page 5) refers to a subset of the European Draft Standard ENV/278/4/1/0012 (specifying ALERT-C Syntax), which is used to code and decode traffic information, including, for example, traffic message channel (TMC) reports, so that in effect the traffic messages can be kept shorter and less complex, which leads to a savings in transmission capacity.

Israni purportedly relates to a method and system for using real-time traffic broadcasts. In this regard, Israni refers in paragraph [0005] to the Radio Data System-Traffic Message Channel (RDS-TMC) as described in the 1996 version of the CENELEC END50067 specification, in which TMC messages are mentioned as one of several types of information that is transmitted via the radio data system (RDS). However, Israni does not

disclose, advocate, or even suggest, to deviate from the RDS-TMC standard, or that messages of the TMC system, without exception, should now be coded, transmitted, and decoded according to a subset of the messages format provided in the standard, as required by claim 18. Rather, in paragraph [0004] Israni states that the traffic information is broadcasted in conformance with the standardized formats.

The Office Action seems to assert that the radio data system (RDS) is equivalent to digitally coded traffic information transmitted according to predetermined regulations, and that the TMC traffic information is a subset of the this information. However, such assertions are not valid because RDS does not define a subset of TMC. Instead, RDS describes a transmission standard for the digitally coded transmission of information from a radio transmitter to a radio receiver, in which the digitally coded information includes frequency information regarding radio frequencies, program identification codes, and other similar information, including, for example, TMC traffic information. Hence, RDS does not define a subset of TMC, and more importantly, Israni does not refer to a subset definition of a TMC in the context of RDS, or any other standard. Accordingly, for at least these reasons Israni does not anticipate claim 18, or claims that depend either directly or indirectly from claim 18, including claims 19 to 26.

As regards claims 25, 26, and 28 to 30, Applicants note that claim 25 recites features analogous to those of claim 18, and that claims 26 and 28-30 depend from claim 25. Accordingly, it is respectfully submitted that Israni does not anticipate claims 25, 26, and 28-30 for at least the reasons stated in connection with claim 18.

In view of the foregoing, withdrawal of the anticipation rejection based on Israni is respectfully requested.

Claims 31 to 34 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,070,123 (“Beyer”).

Claim 31 relates to a transmitter for conditioning and transmitting digitally coded traffic information. Claim 31 recites features substantially analogous to claim 18. In particular, claim 31 recites an arrangement for coding the digitally coded traffic information according to a subset of predetermined regulations.

Beyer purportedly relates to a vehicle navigation system having so-called offboard route calculation in connection with a GSM network, in which a query by the vehicle navigation system is sent to a master station where a vehicle route is calculated on the basis of a target destination and an instantaneous vehicle location is retransmitted to the vehicle navigation system. Here, information about the traffic situation may be taken into account in the route calculation. In this regard, however, Beyer does not disclose, or even suggest, an arrangement for coding digitally coded traffic information according to a subset of predetermined regulations, as recited in claim 31. Moreover, the GSM standard is not predetermined regulations for coding digitally coded traffic information for which a TMC subset may be defined, as asserted on page 7 of the Office Action. According, Beyer does not anticipate claim 31, or claims that depend from claim 31, including claims 32 to 34.

In view of all of the foregoing, withdrawal of the anticipation rejection based on Beyer is respectfully requested.

With respect to the rejection of claims 27 and 35 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Israni and Beyer, it is respectfully submitted that even if it were proper to modify the references as suggested (which is not conceded), Beyer does not cure the critical deficiencies of Israni (as explained above) with respect to claim 18, from which claim 27 depends, and Israni does not cure the critical deficiencies of Beyer (as explained above) with respect to claim 31, from which claim 35 depends, because both Israni and Beyer fail to disclose or suggest the analogous features of claims 18 and 35 with respect to coding digitally coded traffic information according to a subset of predetermined regulations. It is therefore respectfully submitted that claim 27 is allowable for at least the same reasons that claim 18 is allowable, and claim 35 is allowable for at least the same reasons that claim 31 is allowable.

Moreover, the Office Action's assertion that it would have been obvious to one of ordinary skill in the art at the time the invention was made "to modify the system and method of Israni et al. to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and controls centers and allows the vehicles to request information from the control centers," or "to modify the system and method of Beyer et al. to include memory as taught by Israni et al. because the memory allows the digitally coded traffic broadcast to be stored and accessed later," is mere hindsight

reasoning without proper support, and fails to demonstrate a requisite motivation to combine the applied references.


In view of the foregoing, withdrawal of the rejection of claims 27 and 35 under 35 U.S.C. § 103(a) is therefore respectfully requested.

New claims 36 and 37 do not add any new matter and are supported in the specification. Claim 36 and 37 depend from claim 18, and are therefore allowable for at least the same reasons that claim 18 is allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all of the presently pending claims 18-37 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner having been addressed; an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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